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8	BEFORE THE
	BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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11	In the Matter of the Accusation Against: Case No. 2011-746
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12	TERESA ANN JOHNSON, AKA
13	TERESA ANN JAKOBI, AKA TERESA BOWMAN A C C U S A T I O N
14	5841 Olive Street
14	Anderson, CA 96007 Registered Nurse License No. 429266
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16	Respondent.
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17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20	official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21	Department of Consumer Affairs.
22	Registered Nurse License
23	2. On or about August 31, 1988, the Board issued Registered Nurse License Number
24	429266 to Teresa Ann Johnson, also known as Teresa Ann Jakobi and Teresa Bowman
	("Respondent"). The registered nurse license was in full force and effect at all times relevant to
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26	the charges brought herein and will expire on April 30, 2012, unless renewed.
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3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
  - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct...,
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.
- 6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- (c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

#### COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of

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the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### FIRST CAUSE FOR DISCIPLINE

### (Criminal Conviction)

Respondent has subjected her license to discipline pursuant to Code section 2761, 8. subdivision (f), in that on or about September 10, 2008, in the Superior Court, County of Shasta, California, in the matter entitled People vs. Teresa Ann Johnson, 2008, Case No. 08TR927, Respondent was convicted by a jury of violating Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol or drugs), a misdemeanor and Vehicle Code section 23152, subdivision (b) (driving while having a blood alcohol of .08% or higher), a misdemeanor. The circumstances of the crime are that on or about January 11, 2008, the California Highway Patrol answered a call at the Happy Valley Market regarding a possible intoxicated driver. The officers were provided with a description of Respondent's vehicle, as well as the license plate number. Officers located Respondent at her residence and arrested her. Respondent was transported to the Shasta County Jail where she completed breath tests, which resulted in blood alcohol levels of .28% and .26%. Such conduct is substantially related to the qualifications, functions, and duties of a licensed registered nurse.

## SECOND CAUSE FOR DISCIPLINE

# (Conviction of a Crime Involving Alcohol)

Respondent has subjected her license to discipline pursuant to Code section 2761, 9. subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (c), in that Respondent has been convicted of a crime involving the consumption of alcohol, as more particularly set forth in paragraph 8, above.

#### THIRD CAUSE FOR DISCIPLINE

# (Use Alcohol to an Extent or in a Manner Dangerous or Injurious)

Respondent has subjected her license to discipline pursuant to Code section 2761, 10. subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that on or about January 11, 2008, Respondent used alcohol to an extent or in a

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1.	manner dangerous or injurious to herself or others, as more particularly set forth in paragraphs 8,
2	above.
3	<u>PRAYER</u>
4	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5	and that following the hearing, the Board of Registered Nursing issue a decision:
6	1. Revoking or suspending Registered Nurse License Number 429266, issued to Teresa
7	Ann Johnson, also known as Teresa Ann Jakobi and Teresa Bowman;
8	2. Ordering Teresa Ann Johnson, also known as Teresa Ann Jakobi and Teresa Bowman
9	to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement
10	of this case, pursuant to Business and Professions Code section 125.3; and,
11	3. Taking such other and further action as deemed necessary and proper.
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15	DATED: /// LOUISE R. BAILEY, M.ED., RN Executive Officer
16	Board of Registered Nursing Department of Consumer Affairs
17	State of California  Complainant
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